

BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
Website: www.fire.ca.gov/bof/licensing
(916) 653-8031



MINUTES BOARD OF FORESTRY AND FIRE PROTECTION January 8 and 9, 2002 Sacramento, California

MEMBERS PRESENT:

Stan Dixon, Acting Chair
Mark Bosetti
Robert Heald
Kirk Marckwald
Tharon O'Dell
Gary Rynearson
Norman Waters

MEMBER ABSENT:

Paula Ross

BOARD STAFF PRESENT:

Daniel R. Sendek, Executive Officer
Donna Stadler, Executive Assistant
Fran Henson, Board Consultant

DEPARTMENTAL STAFF:

Ross Johnson, Deputy Director, Resource Management
Dean Lucke, Assistant Deputy Director
Gerald Ahlstrom, Forest Practice Staff Chief
Jim Mote, Regulations Coordinator

CALL TO ORDER

Acting Chair Dixon called the January 2002 Board of Forestry and Fire Protection meeting to order.

REPORT OF THE EXECUTIVE SESSION

Acting Chair Dixon said that the Board met in Executive Session and asked Board's Counsel to provide the report.

Mr. Matthew Campbell, Deputy Attorney General and Board Counsel, announced that the Board adopted the Administrative Law Judge's proposed decision imposing civil penalties in the cases of Arlin Grandy and James Bollinger.

Mr. Daniel Sendek, Executive Officer, announced that during the Board's Executive Session, the Board approved a Stipulated Agreement in licensing case number 280, involving Andrew Elsbree, RPR number 2460. He then reviewed the terms of that Agreement.

APPROVAL OF MINUTES

Acting Chair Dixon asked for the approval of the November 2001 Board minutes.

02-01-1 Mr. Rynearson moved to approve the November 2001 minutes as submitted. Mr. Bosetti seconded the motion, and all were in favor.

REPORT OF THE CHAIRMAN

Acting Chair Dixon announced that in closed session, the Board moved to appoint Daniel R. Sendek, Acting Executive Officer, as the Executive Officer to the Board.

REPORT OF THE DIRECTOR

Mr. Ross Johnson, Deputy Director of Resource Management, referred to the Director's report in the Board's binder and then reported on other items. The Governor's budget is due out tomorrow. The Department has issued a contract for the Jackson Demonstration State Forest EIR. The Department lost the EIR lawsuit on the Vegetation Management Plan. A request for nominations for the Native American Advisory Committee has gone out and these nominations are due back by February 15, 2002. It will be an eight-member Department committee. A draft charter for that committee will be sent to the members of the Board.

Mr. Johnson announced the retirements of Woody Allshouse, Chief Deputy Director; Glen Newman, Deputy Director for Fire Protection; and Del Albright, Tuolumne-Calaveras Unit Chief. He noted that Glen Newman was working as a retired annuitant in the capacity of acting Chief Deputy Director. He also noted that Rich Green was the new Chief of the El Dorado/Amador Unit.

REPORT OF THE OAK MORTALITY TASK FORCE

Mr. Mark Stanley, Assistant Deputy Director for Resource Management and Chairman of the California Oak Mortality Task Force's (COMTF), reviewed its monthly report for the Board. The Canadian Food Inspection Service, which had previously established a quarantine for the 10 affected counties and adjoining counties, announced that SOD was found at Brookings, Oregon. The quarantine has now been extended to cover the entire states of Oregon and California. There was a study conducted at UC Berkeley that found that composting *Phytophthora ramorum* infected host material may serve as an effective sanitation tool for Sudden Oak Death biomass. Researchers caution that more research is needed before an effective treatment can be put in place. He provided a handout regarding Hazard Tree Removal Plan components and reviewed it for the Board. The guidelines are: trees must pose a direct life threat; trees must be dead or dying from SOD; each County will submit a plan for removals with location and cost projections; proof of removal, preferable photographic, will be submitted with billings; and if the county does not utilize the funds available, those funds will be reallocated to a county that will. Each county will develop a plan, using the guidelines above, and the Department and the Task Force will evaluate those plans for compliance. The Department will forward that information to the Board, as it becomes available. He provided a handout on AB 62 relating to oaks, and reviewed it for the Board.

Acting Chair Dixon said that the RPC and the Department were requesting that the Board approve the plan to be presented.

Mr. Stanley said that was correct and that the Department would develop the individual plans from the counties plans based on the parameters.

Mr. Bosetti said that he did not believe the RPC made that recommendation. A question revolved around the wording of legislation in the section that deals with the portion of “abate or grant a plan” for having tree abatement. Specifically, that the Board shall approve or deny the plan. The recommendation from the Committee was that the Board delegate, to the Department, to enter into a contract with Marin to oversee all applications for rapid tree removal from all counties. The concern of the Committee is, the question of whether the Board may delegate project approval to the Department.

Acting Chair Dixon asked the Board’s Counsel to respond to the question of compliance with the Legislative language.

Mr. Matthew Campbell, Deputy Attorney General and Counsel for the Board, said that there was no clear direction in the statute as to whether or not what has been proposed is within the intent of the Legislature. He questioned whether those plans would come back before the Board for approval.

Acting Chair Dixon said that he thought he heard that they would come back before the Board.

Mr. Campbell then read into the record portions of the legislation. Under this statute, the Board has been granted the authority by the Legislature to approve or deny plans granted by counties.

Mr. Bosetti asked if it could be a Committee of the Board, or would it have to be the full Board.

Mr. Campbell noted that the language did not address delegation of a sub-committee of the Board.

Mr. Stanley noted that no county plans have come in yet, but there should be some soon.

02-01-2 Mr. Bosetti moved to approve the concept of the plan. Mr. Heald seconded the motion, and all were in favor.

REPORT ON THE ACTIVITIES OF THE STEWARDSHIP COMMITTEE REGARDING ALTERNATIVES TO EXISTING REGULATORY CONTROLS ON TIMBER HARVESTING AND THE PRESENTATION OF THREE PROPOSED PILOT PROJECTS: “THE CHARTER FOREST FARM”, “INTERAGENCY WATERSHED ASSESSMENT TEAM”, AND “STEWARDSHIP NTMP”

Mr. Mark Stanley, Resource Management, said that he was overseeing the Stewardship Committee. The Group is very committed and has formed three sub-committees; the Charter Forest Farm, the Interagency Watershed Assessment Team (IWAT), and the Stewardship NTMP.

Mr. Alan Edwards, Charter Forest Farm Subcommittee, provided a briefing paper, by the Director’s Forest Stewardship Committee, of the Stewardship Non-Industrial Timber Management Plan Proposal to the Board. In the Executive Summary, he provided background as to the establishment of a committee to explore alternatives to the existing forest practice planning processes for small non-industrial landowners that demonstrate high quality forest stewardship. The Forest Stewardship Committee (FSC), identified three programs for consideration by the Department: Interagency Watershed Analysis, Charter Forest, and Stewardship Non-Industrial Management Plan (SNTMP). The fundamental goals of the SMTMP proposal are to develop an alternative NTMP process. The Committee believes that if state and federal regulatory streamlining could occur, a high number of small forest landowners would apply for a SMTMP permit.

Mr. Richard Gienger provided background and a summary of the Interagency Watershed Analysis Team Pilot Project for the Board. He reviewed its goals and objectives. The FSC proposes an Interagency Watershed Analysis Team (IWAT) pilot project to address actual planning watershed conditions. The IWAT pilot project would be implemented through a memorandum of understanding between the Resources Agency, Cal EPA, the State Water Resources Control Board, and other agencies. The IWAT would prepare a watershed analysis for each planning watershed. All aspects of the pilot project would be shared with, and evaluated by, a wide range of entities.

Mr. Gaylon Lee, State Water Resources Control Board (SWRCB), indicated that the SWRCB was very supportive of the Charter Forest and the IWAT.

Ms. Charlotte Ambrose, National Marine Fisheries Service (NMFS), provided the Board with a draft briefing paper on the proposed Stewardship Non-Industrial Timber Management Plan (SNTMP). The NMFS believes that there is an immediate need for an alternative to the current prescriptive rules. The draft proposal is a program summary. It reflects the desire to create a program to recognize and to provide incentives for forest stewardship on non-industrial forest ownerships. The proposal is one of three that is being developed by the committee. The proposed SNTMP would address the following elements: 1) maintenance of value where exemplary conditions exist; 2) restoration of degraded value; 3) enhancement of value where acceptable conditions exist; and 4) protection of a value where threatened.

Mr. Craig Blencowe indicated that the goal of the SNTMP is the recognition of sustained yield forestry with small timberland ownerships. He indicated that the committee was not waiting for funding. The project is more in the coastal areas. Success is a function of "relief" and the committee believes that there is a need for a 4(d) rule to free up the riparian zones.

Acting Chair Dixon requested that the agencies involved bring specific suggestions to the Board at its February meeting.

REPORT OF FEDERAL AGENCIES INCLUDING USDA FOREST SERVICE, NATIONAL MARINE FISHERIES SERVICE, US FISH & WILDLIFE SERVICE AND US EPA

Mr. Rick Alexander, USDA Forest Service, Pacific Southwest Office, provided some background, a handout, and update on the Sierra Nevada Forest Plan Amendment (SNFPA). The Pacific Southwest Region actions directed by the Regional Forester call for a six person team to review the SNFA fuels treatments, consistency of SNFPA and the National Fire Plan, and compatibility of SNFPA with the Herger-Feinstein Quincy Library Group Forest Recovery Act. The team was also directed to review other issues raised in the appeals, including possible impacts of the SNFPA on recreation, livestock grazing, and to local communities near the National Forests. This review will examine the SNFPA in the context of recent scientific findings, current policy and regulations, and what has been learned during the first year of implementation. The team will work with tribes, other agencies, local governments and interested parties in an open process to quickly complete the review. The review is to be completed within 12 months.

PUBLIC HEARING TO CONSIDER AN APPEAL OF THE DIRECTOR'S RETURN, UNAPPROVED, OF TIMBER HVESTING PLAN 1-01-222 HUM

Mr. Daniel Sendek, Executive Officer for the Board, introduced the topic.

Mr. Donald Weburg, petitioner, provided a copy of his written comments to the Board and read them into the record. He has owned the property for 30 years and cleared 15 acres to re-forest. Now he wants to selectively log about 25 acres out of the 44-acre parcel. He said that he is an

environmentalist and that logging this property would help to create jobs. He believes that there is no reason for denial of this small area of selective cutting and asked that the Board approve the THP.

Mr. William Apger, RPF and Attorney at Law, provided his written comments for inclusion into the official record. The Department of Forestry denied the THP because the plan submitter refused to provide botanical surveys to determine if various plants of concern to the Department of Fish and Game (DFG) might be within the plan area. There is dispute over who must provide additional information to CDF when the information requested is regarding rare, threatened, or endangered plants. The plan submitter believes that DFG is required by law to provide this information, and not the plan submitter. Mr. Apger requested that the Board of Forestry approve the THP submitted by Donald Weburg, and without the requirement that the landowner complete plant surveys.

Mr. Rynearson asked if plant surveys were done on the plan.

Mr. Weburg indicated that there had been.

Mr. Rynearson said that the issue seems to be whether the information required under the Native Protection Act should be collected and provided by the Department of Fish and Game.

Mr. Apger said that the decision from the Supreme Court and the Sierra Club deal with wildlife. Within the Civil Code, the Legislature defined plants as real property. He believes that the law says that there are no mitigation measures for native plants, or those listed as rare, endangered, or threatened and allows 10 days for DFG to remove them. The Department has the burden to provide the notice for mitigation and if it is given, then the submitter has the 10 days to comply. If no notice is given, then the submitter may go ahead with the plan.

Mr. William Snyder, Chief Deputy Forest Practice, provided a handout and reviewed the background of THP 1-01-222 HUM and the reasons for the Director's denial of the Plan. The Director determined that the RPF did not satisfactorily respond to recommendations 9, 10, and 11 from the Department of Fish and Game's (DFG) Pre-harvest Inspection (PHI) report. Recommendation number 9 indicated that the plan did not contain sufficient information to determine impacts to botanical species. The RPF refused to provide the information requested. The Department provided copies of the PHI reports and review team recommendations to the RPF and the plan submitter. CDF requested an extension of the Director's Decision period to discuss a possible resolution with the RPF and DFG. The RPF declined to grant an extension. The final decision to deny the plan was based on the information contained in the final DFG report.

Mr. Rynearson noted that the reason for the Department's denial was that the information to the review team was not provided.

Mr. Snyder said that the information was requested in recommendation number 9, which was relative to the scoping. Recommendation number 10 dealt with the plant surveys and/or the avoidance strategy. Recommendation 11 further addressed what the avoidance strategy should be if the plant population or individual plant was noted.

Mr. Rynearson asked if the denial was not over an issue of protection, but over a lack of information.

Mr. Snyder responded affirmatively.

Mr. Bosetti asked for clarification.

Mr. Snyder said that the basis for the denial was on insufficient information in the plan upon which to base a decision.

Mr. Bosetti said that section 898.2(c) ends with, “shall be judged in light of what is reasonable and necessary.” He asked if the Department made that determination.

Mr. Snyder said that as far as the scoping issue, the Department did make that determination, however, not relative to plant surveys or the avoidance strategies.

Mr. Heald asked if there had been anything with respect to scoping that was not done.

Mr. Snyder explained the various ways that scoping was done. In the Fish and Game report, DFG did the scoping and provided the list of species. DFG believed that seven species could potentially have habitat there.

Mr. Heald said that he was trying to determine whether the DFG actually did the scoping by providing a list of species.

Mr. Snyder indicated that was correct. When scoping is completed, one ends up with a number of plants that could be there, but if they don’t have habitat on the plan they may be eliminated from further consideration of potential impacts.

Mr. Heald wanted a feel for the reasonableness of the additional scoping. Is it something that an RPF or a specialist in plants could do in a day, a week, or a month?

Mr. Tony LaBanca, Department of Fish and Game, said that a survey to see if those plants were actually on the ground would take approximately six to twelve hours.

Mr. Rynearson asked the Department if this level of review for the north coast region on botanical issues was standard for THPs.

Mr. Snyder said that he believed that it was a standard practice.

Mr. Waters asked if it was all over the state or limited to one area.

Mr. Snyder said that the requirement to evaluate a plan for its environmental impacts was statewide.

Mr. Norman Hill, Chief Counsel for the Department, noted that this issue was well covered in the Sierra Club v. Board of Forestry case. That case reaffirmed the authority of CDF and the Board to require submission of information to determine whether there is a likely significant affect that would be caused by the particular THP. He reviewed the case and its similarities regarding environmental effects.

Mr. Mark Stopher, Department of Fish and Game, provided a brief history on the Pre-harvest Inspection on this THP. The determination of DFG was that the rare plant scoping was insufficient. The report was consistent with best available information and Department policy. There was resolution on several items, but the DFG recommended items 9, 10, and 11.

Mr. Rynearson asked if the DFG representative on the PHI was a plant specialist.

Mr. Stopher confirmed this.

Mr. Rynearson asked DFG to describe the habitat on the THP

Mr. LaBanca said that the habitat is broadly known as the North Coast coniferous forest.

Mr. Bosetti asked the DFG to describe the extent of the scoping that was conducted.

Mr. LaBanca said that it encompassed a nine quadrangles with one center quadrangle and eight surrounding.

Mr. Ryneason asked if for a property of this nature with these habitat conditions present, what would constitute an adequate survey to satisfy DFG's needs as a responsible agency for review.

Mr. LaBanca described the process to survey the property.

Acting Chair Dixon queried the audience and determined that there were no members of the public wishing to address the issue.

Mr. Steve Launi provided some clarification regarding scoping. He said that a great deal of the scoping effort involves going on-site and identifying micro-site conditions within that site, delineating those areas and then looking for the species of rare or endangered plants that may occur under those sets on limiting conditions. Several of the plants that were delineated as forest floor generalists, which mean that they could be anywhere on the property. He stopped his scoping efforts because that meant he would need to look everywhere on the property.

Mr. Apger said that the key issues are scoping and identifying impacts so that they can be mitigated. In the clear language of the law, he believes that when it comes to plants, there can be no restrictions placed on timber operations. He said that the Native Plant Protection Act is not limited to its chapter. He read section 1913 from the Native Plant Protection Act into the record. He believes that it applies to CEQA and must be harmonized. He then referred to the question of additional work needed to complete to required scoping for this project. The Legislature has stated that relative to plants, no restrictions can be applied on timber operations. He believes that when it comes to native plants, there is an exception for timber operations. He provided some examples.

Mr. Weburg said that he has owned the property for over 30 years and believes that they have taken good care of the wildlife and wants to keep his land in forestland. He provided some background of his efforts in keeping the wildlife, plants, and trees in good condition. He does not want to develop the land.

02-01-2 Mr. Heald moved to close the public hearing. Mr. Ryneason seconded the motion, and all were in favor.

Mr. Heald asked the Board Counsel to comment on CEQA v. the Fish and Game Code.

Mr. Campbell did not believe that it was not appropriate for him to re-argue the arguments made by the appellant and by the Department, however, he would take questions.

Mr. Heald said that one of the issues raised was CEQA and the Endangered Species laws both have a process of discovery, disclosure, and mitigation. He wanted to know if it was necessary for the Board to use the process in the Fish and Game Code or if it was more appropriate to use the process envisioned in CEQA. Is it required that one or the other be used, or can a combination be used?

Mr. Campbell said that the process focused on CEQA primarily.

Mr. Ryneason addressed Mr. LaBanca regarding recommendation 11. The mitigation measures in recommendation number 11 seem onerous and asked for comment.

Mr. LaBanca said that it was a standard default recommendation that is used as a placeholder. Some could use that level of mitigations and some could use less. It is preferred that alternative mitigation measures be used.

Mr. Stopher said that when the default recommendations are put in the PHI, they are recommendations that are believed to have a high probability of reducing the potential effects to a level that is less than significant.

Mr. Rynearson asked if recommendation 11 may or may not be implemented.

Mr. Stopher said that was correct.

Mr. Heald said that he would like to see additional work done on the plan.

Mr. Rynearson said that the issue is a lack of information, not species protection.

02-01-3 Mr. Heald moved to uphold the Director's denial of THP 1-01-222 HUM.

The motion died for lack of a second.

Acting Chair Dixon requested that during the lunch break, the Board's Counsel research the options to the Board and provide the Board with guidance as to procedure regarding lack of a second on a motion.

Mr. Matthew Campbell, Deputy Attorney General and Counsel to the Board, said that the requirement that the Board is subject to in Section 1054.8 in the Forest Practice Rules. He read that section into the record. It states that the Board shall make a decision. He suggested the Board's Acting Chair could deem the motion seconded and take a roll call vote.

Mr. Rynearson asked the Department if there was an opportunity for the correction of the plan.

Mr. Bill Snyder, CDF, said that the definition of habitat was needed and allowance for operations on those portions without habitat.

02-01-4 Mr. Heald moved to uphold the Director's decision and disapprove the plan. Mr. Bosetti seconded the motion and a roll call vote was taken.

Bosetti	Aye
Heald	Aye
Rynearson	Aye
Waters	Nay
Dixon	Aye

The motion carried with a 4-1 majority vote. Members Marckwald, Ross, and O'Dell were not present for the vote.

Mr. Richard Gienger expressed his concern on what constituted a majority vote.

PRESENTATION OF THE GOLDEN TROWEL AWARD RECOGNIZING EXCELLENCE IN ARCHEOLOGICAL SITE STEWARDSHIP IN FORESTRY PROJECTS

Mr. Daniel Foster, Senior State Archaeologist for CDF, announced the recipient for the 2001 Golden Trowel Award recognizing excellence in archaeological site stewardship. He read his report and a letter submitted by Dr. Thomas N. Layton of San Jose State University into the record. This year, the award committee has recognized the outstanding work of CDF Forest Practice Inspector Jim Purcel and recommends that he be given the board's Golden Trowel Award. Mr. Foster reviewed Mr. Purcell's background for the Board, as well as several of the archaeology sites Mr. Purcell has found.

Acting Chair Dixon presented the Board's Golden Trowel Award to Mr. Jim Purcell for his excellence in archaeological site stewardship.

Mr. Jim Purcell thanked Mr. Foster for his introduction and the Board its presentation of the Golden Trowel Award. He noted that having his name on this plaque is very meaningful to him and that he was honored. He provided the Board with some background as to how he became interested in looking for archaeological sites.

APPOINTMENTS TO THE PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC) PURSUANT TO TITLE 14, CCR §1122

Mr. Ryneanson referred to a handout with the nominations for the PFEC. There are two positions open and four applicants. He noted that the two members whose terms have expired would like to continue with their work on the PFEC.

02-01-5 Mr. Ryneanson moved to approve the re-appointments of H. F. Bowman and Otto P. van Emmerik to the PFEC. Mr. O'Dell seconded the motion, and all were in favor.

DISCUSSION OF PROPOSED BOARD WORKSHOP ADDRESSING THP REVIEW PROCESS

Mr. Daniel Sendek, Executive Officer for the Board, noted that during the October 2001 Board meeting, Member Heald reported that the Interim Committee would like to have a workshop addressing the Bill of Rights issues and directed staff to set that up. However, in the process of arranging the workshop, several concerns had come to light relative to establishing a format that would be fully compliant with the Bagley-Keene Open Meeting Act.

Acting Chair Dixon asked Counsel to comment.

Mr. Matthew Campbell, Deputy Attorney General and Counsel for the Board, said that the Board was covered under the Bagley-Keene Act. He then read from the statutes.

Acting Chair Dixon said that the idea was to set up a Board workshop using a format similar to that used last year at the watershed workshop held at Blodgett Forest.

Mr. Marckwald said that the value of the Blodgett workshop resulted from the many different points of view. The intent should be to make the workshop meaningful.

Acting Chair Dixon said that the purpose was to put on a THP review process workshop.

Mr. O'Dell said that the Board made a commitment to the public to hold this workshop. There needs to be a workshop to fully discuss this issue and a need to stay focused.

Ms. Helen Libeu suggested that a facilitator for the workshop would help keep the discussion focused. Also, it should be set up to include other agencies. There needs to be input from the Regional Water Board's staff as well as Fish and Game, and there needs to be public participation. She believes that it is important to get information out ahead of time with an agenda and that the public receives ample notice.

Mr. Bernie Agrons said that the THP approval process does not work. He recommended a forum on this one topic. He does not believe that a facilitator is necessary.

Mr. Mark Rentz, California Forestry Association (CFA), believes that it is important that the Board has a full understanding as to what the goals and objectives are for the workshop. It is his

understanding that it should be focused on what is working and what is not in the THP approval process. There needs to be a clearly defined process.

Ms. Traci Thiele, Humboldt Watershed Council (HWC), said that there have been a lot of misunderstandings and that the workshop can be something that will show equal consideration for all involved parties.

Acting Chair Dixon said that there was never any intent to exclude public comments. Public participation is very important.

Mr. Richard Gienger noted that he had provided copies of a transcript of the Board's October meeting where this discussion took place. It was Member Marckwald that suggested there should be a series of three workshops, one each month.

Mr. Robert DiPerna, EPIC, said that EPIC is very interested in seeing this workshop going forward.

Ms. Jody Frediani expressed her support for the workshop and is hopeful that something will come of it. However, the goals should be clearly defined.

Acting Chair Dixon suggested that members Heald and Ryneerson and the Executive Officer develop a format for the workshop. He asked that the Board give them broad authority to proceed with the task of organizing and setting up the workshop. The members agreed.

ADVISORY COMMITTEE REPORTS

FOREST PEST COUNCIL

There was no report this month.

RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)

Mr. Tom Randolph, Executive Secretary to the RMAC, introduced the presenters.

Mr. Ken Zimmerman, Chairman of RMAC, provided an overview of the RMAC Strategic Plan. During the past year RMAC worked on the Sierra Nevada Framework, coordinating with the USFS and other state departments and agencies. RMAC is concerned that the protection of the Southwestern Willow Flycatcher in the Framework is much more onerous and prescriptive than necessary and believes that it will cause loss of jobs, sales, and property tax revenue, as well as other necessary services.

Mr. Zimmerman reported on RMAC's California Rangeland Water Quality Plan that was developed as a tool for the private landowners to develop a non-regulatory planning process associated with water quality and quantity. He reported on a meeting held in Fortuna regarding concerns of regulatory interpretation of laws and requirements varying amongst agencies. There is a need for consistency from agency to agency and compensation for the landowner or watershed groups' investment of time and resources. A workshop to identify areas where regulators might have overlapping and contradictory policies is being developed through UCCE.

Mr. Zimmerman announced that landowners have reached a milestone of one million acres under the California Rangeland Water Quality Plan process. RMAC delivered Board resolutions and letters to those responsible for this achievement. He thanked the Board and all participating landowners for their support and involvement in the management of watersheds. RMAC is continuing to work with the Resource Protection Committee, Watershed Fire Council of Southern California, and the Fire Safe Councils on the proposed California Fuel Hazard Reduction Act (CFHRA). (Attached to the RMAC written report, available at the Board Office, is the proposed

CFHRA and other supporting information). He also reported that RMAC and the California Department of Food and Agriculture worked on evaluating research grant proposals as directed in AB 1168 and SB 1740.

Mr. Clancy Dutra, Chair of the RMAC Water Focus Group, reported that this year the Group has three ongoing efforts from the year before. They are the continued implementation of the Rangeland Water Quality Plan, the development of riparian grazing Best Management Practices, and develop and conduct agency water quality workshops. He reviewed those efforts for the Board.

Mr. J. R. McCollister, Chair of Fire/Vegetation Management Focus Group, reported that the Group's two primary goals and objectives for 2001 were to develop an educational program that demonstrated the use of livestock as a vegetation/fuels management tool and to evaluate the feasibility of developing a legislative proposal that would enable rangeland owners to receive cost-sharing for a variety of fuels manipulation techniques. He said that this program is not to take the place of, or complete with, the VMP. He provided a handout and reviewed it for the Board.

Mr. O'Dell asked if RMAC had kept up with the VMP court case that had been settled recently. He wanted to know the implications of that case to the burning program. He believes that the burning program for 2002 would be derailed if that decision stands.

Mr. McCollister agreed.

Mr. Zimmerman said that in the Board's packet last month was the California Fuels Hazard Reduction Act with the notations as to RMAC's progress. He requested the Board's input. He then reviewed the Policy Sub-committee and the Range goals for 2002. He said that RMAC is going to work closely with the USFS as it does the review of the SNFW package.

Mr. Wolfgang Petroff, Professor from UC Davis, said that there was a growing consensus among the scientific community that vegetation management problems are probably the most serious environmental problems in California. The UC System has put together a working group that represents a cross section of organizations and agencies involved with, and interested in, vegetation management mitigation of serious problems. He said that last year in a workshop, this group presented the current state-of-the-art science behind vegetation management programs to the Department of Agriculture and Natural Resource agencies in California. The group also proposed a formal working group that would be the counterpart for policy makers to coordinate with federal agencies. He asked for the Board's support in this effort. He noted that there would be another workshop this year.

REVIEW OF PROPOSED CHANGES IN BOUNDARIES OF STATE RESPONSIBILITY AREAS AFFECTING FIRE SERVICE

Mr. John Craney, Division Chief of Fire Protection Unit, presented the Board with the 2000 State Responsibility Area Fire Year Review packet. He then reviewed it for the Board.

Mr. Bosetti reported that the Resource Protection Committee spent a lot of time reviewing the State Responsibility Area recommendations. He asked Mr. Craney if anything was different than what the Committee had already reviewed. The Committee recommended bringing it before the Board and hopefully sending it out for a 45-Day Notice.

Mr. Craney said that nothing had been changed. He said that a few of the contract counties would welcome the Board to go out on a field trip.

Acting Chair Dixon directed Board staff to prepare a 45-Day Notice on the proposed changes in boundaries of State Responsibility Areas and place it on the Board's March agenda.

PRESENTATION BY ORE-CAL RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL

Mr. Jim Vancura, Ore-Cal Resource Conservation and Development Area Council, provided the Board with a presentation on the Federal Scenic Highway and All-America Roads designation. The Council has requested the support of the Board for a five county (Siskiyou, Shasta, Lassen, Plumas and Tehama) effort to attain the designation for the roads between Lassen National Park and the California-Oregon state line. This would be an extension of a designation, which originates at Crater Lake National Park, and would link the two volcanic parks.

The Council is seeking a resolution from, or rulemaking by, the Board to avoid conflict between the federal and state scenic highway designations.

Mr. Matthew Campbell, Deputy Attorney and Board's Counsel, informed the Board that a resolution or rulemaking may be inappropriate.

The Board requested Mr. Vancura submit a draft letter of support for the Board to review and possibly approve in the future.

STANDING COMMITTEE REPORTS

INTERIM COMMITTEE

Mr. Heald, Chair of the Interim Committee, reported that the Committee met and discussed the rule language required by the Legislature under AB 671 regarding less than 3-acre conversion exemptions. There were four items listed in that bill requiring action by the Board. It was suggested that staff and the Department work together and provide revised rule language within the next two weeks in order to meet the noticing requirements. The Committee discussed rule language addressing the extension of the review time periods required under SB 909. There was a staff discussion paper presented with suggested language for the required changes, which include revision to Sections 1037.4 and 1092.19. The Committee recommends that Board staff prepare a 45-Day Notice and the appropriate findings for consideration at the February Board meeting. The Committee discussed, under New and Unfinished Business, the proposed language for a notice of exemption for thinning of plantations and wild stands for biomass fuel wood. The Department provided some revised language and the Committee has reviewed it. The Committee recommends that the Board direct staff to prepare a 45-Day Notice and appropriate findings for consideration at the February meeting.

Mr. Bosetti noted that this is a request to prepare a 45-Day Notice, not to circulate the notice.

Mr. Heald said that was correct, also, staff should prepare the findings on these 45-Day Notices at the time the notices are developed. Under New and Unfinished Business the Committee also discussed an issue of finding ways to provide recognition for landowners presenting THPs where they were retaining large trees, wildlife trees, standing snags. The Committee will look at potential changes to the stocking standards that would recognize the value of retaining large trees as permitted under silvicultural rules.

Mr. O'Dell asked if that item was on the 2002 agenda for the Committee.

Mr. Heald said that it had been discussed, but was not sure it was on the agenda.

Mr. O'Dell believed that if that item was not on the 2002 Committee agenda, then the Board should discuss its inclusion.

Acting Chair Dixon directed staff to work with the Interim Committee Chair to develop the language for the February meeting.

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)

Mr. Daniel Sendek, Executive Officer for Licensing, announced that the PFEC was scheduled to meet the following week. He noted that the pass rate of the most recent RPF exam was relatively low. The PFEC will discuss this topic at its next meeting.

Mr. Sendek reviewed that RPF vital statistics from the Board binder. The following Registered Professional Forester has requested license reinstatement pursuant to 14 CCR § 1607(c): Elwood L. Miller, RPF 1045.

02-01-6 Mr. Ryneanson moved to approve the reinstatement of Elwood L. Miller, RPF 1045. Mr. O'Dell seconded the motion, and all were in favor.

Mr. Sendek reviewed the statistics of the last RPF exam for the Board. He then requested approval of the following applicants who successfully passed the examination administered on October 12, 2001. Chris S. Fischer, RPF 2723; Michael C. Lommori, RPF 2724; Russell Kobayashi, RPF 2725; Jason Warshawer, RPF 2726; Charles W. Holthaus, RPF 2727; Steven E. Garcia, RPF 2728; Brian R. Hirt, RPF 2729; and Matthew S. Reichman, RPF 2730.

02-01-7 Mr. Gary Ryneanson moved to approve the successful applicants, as listed above, as Registered Professional Foresters. Mr. Heald seconded the motion, and all were in favor.

Mr. Sendek noted the passing of Arthur J. Weddle, RPF 1370.

MONITORING STUDY GROUP (MSG)

Mr. Pete Cafferata, CDF, Resource Management Hydrologist, provided a handout summarizing the MSG meeting held on December 11, 2001, and reviewed it for the Board. It was well attended by agencies, industry, and members of the public. There was a presentation from Simpson Timber Company on Simpson's aquatic monitoring program in the Little River Watershed. CDF led a discussion on watercourse crossings. The Department provided a brief update on the 2001 Hillslope Monitoring Program and the Modified Completion Report Monitoring Program. It was reported that a draft of the MSG Reference Watershed Catalog was sent out on December 28, 2001, to over 70 resource professionals throughout the state, with a cover letter asking for help in nominating additional candidate reference watersheds. The next MSG meeting is scheduled for February 19, 2002, at Howard Forest. There will be a detailed summary and discussion of the Water Quality Monitoring Workshop that will be held for agency personnel on January 15th in Santa Rosa. There will be a presentation from either DFG or UCCE on the restoration effectiveness monitoring program being developed for DFG.

RESOURCE PROTECTION COMMITTEE (RPC)

Mr. Bosetti reported that the Committee received a report from the Department on incident responses. The Committee received excellent reports both the Northern and Southern Regions. (Their reports are available at the Board Office). A representative from the Department of Fish and Game reported DFG had been directed to work with CDF and set dates and sites to get the fire safety and fire ecology-training program started.

AD HOC WATERSHED COMMITTEE (AD HOC)

Mr. Ryneanson, Chairman of the *Ad Hoc* Committee, reported that the Committee discussed the disapproval of the IWMA package by the Office of Administrative Law. Staff has worked on the modifications and the package will now go back to Committee for discussion and possibly then forwarding it to the Board for action in February. The Department provided a presentation on the North Coast Watershed Assessment Program (NCWAP). The Redwood Creek and the Gualala reports were out, but it is not sure on the status of the Mattole report. The Albion and the Big River reports should be out in about two months. An issue was brought up that some funds came from the NCWAP and will be expended on undertaking a proof of concept approach, as recommended in the Dunne Report. The Department also reported on Watershed Assessment signs being presented by the Bio-diversity Council to be installed by CDF.

PUBLIC FORUM

Mr. Robert DiPerna, EPIC, said that CDF needs to disclose potential use of herbicides in Vegetation Management Plans.

Acting Chair Dixon noted that Mark Rentz of California Forestry Association had to leave, but provided the Board with handouts for their review and will address the Board in February regarding these handouts.

Mr. Richard Gienger, Humboldt Watershed Council and the Salmon and Steelhead Coalition, provided handouts for the Board. He referred to transcribed excerpts of a tape recording of the Board's Interim Committee discussions of October 9, 2001. He referenced the comments by Gaylon Lee of the State Water Resources Control Board. He read those comments into the record. He requested support from the Board and the Department regarding the Water Quality Monitoring Workshop between Water Quality and CDF to allow two people from industry and two from the public sit in on the workshop. He then requested a list of the issues the Board plans to deal with this year.

Ms. Traci Thiele, Humboldt Watershed Council (HWC), provided the Board with a quarterly journal and asked that the Board read it with an open mind. She then reviewed a list of issues that the HWC believes to be problematic in the THP process.

REPORT OF THE EXECUTIVE OFFICER

Executive Officer, Daniel Sendek, provided a summary of Legislative bills. There are eleven bills that Board staff is tracking and will keep the Board updated as to their status. He noted that he had been in contact with State Water Resources Control Board staff regarding the workshop issue and the Water Board would prefer deferring the workshop until it could include a field trip. The Water Board has a desire to see things on the ground. Mr. Sendek said that he would work with staff and try to schedule one during one of the Board's travel meetings.

NEW AND UNFINISHED BUSINESS

Mr. Bosetti asked if the Board's Annual report was still in draft form or if it had been forwarded to the Legislature.

Mr. Sendek reported that the document had been completed and forwarded to the Resources Agency, for transmittal to the Governor.

Mr. Bosetti noted that the Board received a copy of a letter from Phil Nemir, a forester in the Susanville area, addressed to Duane Schintaku of CDF, and asked that when the Department responds to that letter, the Board receive a copy of that response.

ADJOURNMENT

Acting Chair Dixon adjourned the January 2002 meeting of the Board.

Respectfully submitted,

ATTEST:

Daniel R. Sendek
Executive Officer

Stan Dixon
Acting Chair

Copies of the attendance sheets can be obtained from the Board Office.